

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

In re:

CASCADIA PARTNERS, LLC,

Debtor

Case No. 10-63442

Chapter 11

OBJECTION TO CONFIRMATION OF DEBTOR'S PLAN

As set forth in the attached response, the County of Albemarle (the "County"), by counsel, hereby objects to confirmation of the Plan of Reorganization submitted by the Debtor dated February 28, 2011. In support of its Objection, the County states as follows:

1. On or about January 3, 2011, the County filed a claim in the above-captioned case based on the Debtor's unpaid taxes, penalty, and interest owed to the County.
2. *Virginia Code* § 58.1-3916 enables localities to provide by ordinance for penalties and/or interest on unpaid taxes, and to set interest at a rate not to exceed 10 percent per year.
3. Pursuant to that enabling authority, *Albemarle County Code* § 15-100(E) provides: "Interest at the rate of ten percent (10%) per annum shall apply on all taxes and penalties commencing the first day of the month following the month in which such taxes are due and continuing until paid."
4. However, Sections 4.03 and 4.04 of the Debtor's Plan propose that the County be paid interest at the rate of 4.5% per annum, which is less than the rate to which the County is entitled.
5. The County objects to confirmation of any Plan that does not provide for the full and prompt repayment of the County's claim at the statutory rate of interest to which the County is entitled.

WHEREFORE, the County of Albemarle respectfully requests this honorable Court:

1. To grant a hearing on this Objection in the United States Bankruptcy Courtroom in Charlottesville, Virginia on June 20, 2011 at 10:00 a.m., pursuant to this Court's Order Approving Disclosure Statement; Fixing Time for Filing Objections to Confirmation of Plan; and Notice of Hearing on Confirmation, dated April 20, 2011.

2. To not confirm the Debtor's Plan unless and until it provides for the full and timely payment of the County's claim at the statutory rate of interest to which the County is entitled.
3. To order prompt payment to the County in the full amount of its claim plus interest.

The Debtor should contact the undersigned counsel on all matters relating to the claim.

Respectfully Submitted,

COUNTY OF ALBEMARLE
By Counsel

/s/ Andrew H. Herrick
Larry W. Davis, VSB #19094
Andrew H. Herrick, VSB #37236
ALBEMARLE COUNTY ATTORNEY'S OFFICE
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Objection to Confirmation of Debtor's Plan was sent by mail to W. Stephen Scott, Esq., Scott | Kroner, PLC, at 418 East Water Street, P.O. Box 2737, Charlottesville, VA 22902, this 16__ day of June, 2011.

/s/ Andrew H. Herrick
Andrew H. Herrick